REMARKS

Claims 1, 7, 10, and 15–22 are pending in the Application, of which, Claims 1 and 7 are independent. In the instant Final Office Action, Claims 1, 3, 5, 7, 10, and 15–18 stand rejected under 35 U.S.C. § 103(a) as being said to be unpatentable over cited art.

Supplemental Amendment

Before addressing the substantive arguments of the instant Final Office Action, Applicants respectfully note that Applicants filed a Supplemental Amendment with the United States Patent and Trademark Office (USPTO) on November 22, 2010, which was to supplement Applicants' previously filed Reply, filed with the USPTO on September 7, 2010. Applicants respectfully note that Applicants, Applicants' Attorneys, and Examiner Lee worked in diligent collaboration between September 7, 2010 and November 22, 2010 to place the claims in order for allowance. However, in light of the proposed claim amendments, the Office determined it would need to conduct an additional search before allowing the claims. Applicants acknowledged this determination and notified Examiner Lee of Applicants' intent to file a Supplemental Amendment for his review prior to issuing a next office action. Applicants note that the instant Final Office Action and Applicants' Supplemental Amendment were mailed and filed, respectively, on the same day (*i.e.*, November 22, 2010). As such, Applicants are herein addressing the arguments of the instant Final Office Action in line with Applicants' November 22, 2010 claim amendments.

In addition, Applicants note that the Office Action Summary states that the instant Final Office Action is "[r]esponsive to a communication(s) filed on 14 September 2010." Applicants respectfully note that the previous Reply was filed on September 7, 2010.

Claim Rejections under 35 U.S.C. § 103(a)

According to the instant rejection, Claims 1, 3, 5, 7, 10, and 15–18 stand rejected under 35 U.S.C. § 103(a) as being said to be unpatentable over a combination of Wong *et al.*, U.S. Pub. No. 2004/0037278 B1 (hereinafter "Wong"), in view of Gifford, U.S. Patent No. 6,052,718 (hereinafter "Gifford"), and further in view of Narvaez-Guarnieri *et al.*, U.S. Patent No.

6,098,107 (hereinafter "Narvaez"). Applicants respectfully submit that Claims 3 and 5 were cancelled and Claims 19–22 were added in the Supplemental Amendment filed November 22, 2010. As such, Applicants proceed under the belief that Claims 1, 7, 10, and 15–22 are currently pending, and, as such, Applicants address those claims under the instant rejection. Applicants respectfully submit that, in view of the previously presented amendments, Applicants claims, namely Claims 1, 7, 10, and 15–22, are novel and non-obvious over the combination of Wong, Gifford, and Narvaez for the reasons set forth below.

First, Applicants' Claim 1 explicitly recites, "*a routing table configured to use a destination IP address...to route the IP data packet by determining a composite output trunk.*" Applicants respectfully submit the explicit recitation of "*a routing table...[for]...determining a composite output trunk,*" as evidenced in Applicants' Figure 8, element 306, further clarifies the patentably distinguishing features of the present invention over cited art Wong.

In addition, Applicants submit that the "*routing table*" in Claim 1 further clarifies Applicants' recited output port selector (*i.e.*, "*an output port selector configured to use the determined composite output trunk...to select an individual output port of the composite output trunk,*") as also recited in Claim 1. As described in Applicants' Specification, page 8, lines 11–24 and depicted in Figure 8, elements 308 and 309, the output port selector is a separate mechanism from the routing table; the output port selector being described for "*selecting the individual output port of the composite output trunk* (emphasis added)" (whereas only the composite output trunk is determined by the routing table, *see, e.g.*, Fig. 8, elements 305 and 306).

Furthermore, in addition to the routing table and the output port selector described above, Applicants' Claim 1 explicitly recites a second table, (*i.e.*, "*a forwarding table having plural entries to each individual output port*"). The "*forwarding table*" is a separate table from the "*routing table,*" as described in Applicants' Specification as originally filed, for example, at least on page 9, lines 19–25 and Fig. 8, element 308.

In other words, Applicants' Claim 1 explicitly recites, "*a routing table,*" "*an output port selector,*" and "*a forwarding table,*" each of which presents a distinct element but may have associated functionality and/or interoperability (as recited in the claims). Applicants respectfully submit that at least these elements as presented in the claims (*i.e.*, the "*routing table,*" the "*output*

port selector," and the "*forwarding table*") are wholly absent from Wong. These features of Claim 1 are similarly absent from Gifford and Narvaez.

Second, the Office acknowledges that Wong and Gifford fail to disclose "*dynamically weighting a number of entries to each route to the common destination*," as recited in Applicants' Claim 1, as presented on September 7, 2010. Applicants note Gifford has only been cited for explicitly disclosing "*IP data packets*." However, the Office further cites Gifford col. 11, lines 31–62 as being said to "implicitly disclose[] dynamically weighting a number of entries to each route to the common destination." Office Action, page 4, first para. (emphasis added). However, Applicants' Claim 1 recites, "*dynamically balancing load by weighting a number of entries to each individual output port*." Applicants note that the cited portion of Gifford is describing Gifford's router, which is merely updating a routing database dynamically. In light of Applicants' claim elements (*i.e.*, "*dynamically balancing load by weighting a number of entries to each individual output port*"), Applicants respectfully submit Gifford fails to disclose any such concept explicitly or implicitly.

Last, the Office cited Narvaez as being said to disclose "*dynamically weighting a number of entries to each route to the common destination*," as recited in Applicants' Claim 1, as presented on September 7, 2010. First, Applicants respectfully submit that, in light of the claim amendments previously presented on November 22, 2010 (*i.e.*, "*dynamically balancing load by weighting a number of entries to each individual output port, each entry in the forwarding table being dynamically rewritable to a different individual output port* (emphasis added)"), Claim 1 is patentably distinguishable over Narvaez. Specifically, Narvaez fails to "*dynamically balance[e] load*" and is silent as to any forwarding table such that "*each entry in the forwarding table being dynamically rewritable*," as further recited in Applicants' Claim 1 (emphasis added).

In addition, Applicants respectfully submit that Narvaez is merely disclosing dynamic adjustment of a shortest path tree structure and uses the weight to compute shortest routes from the router through the network. *See* Narvaez, Abstract. Such dynamic adjustment of a path using a weight is solving a different problem than Applicants' Claim 1, namely, Narvaez is concerned with adjusting shortest routes from a router through a network, and not "*dynamically balancing load...to each individual output port*," as in Applicants' Claim 1 (emphasis added). More notably, Narvaez discloses, "determining a weight change of an edge." *See, e.g.*, Narvaez,

col. 5, line 66 to col. 6, line 27 (emphasis added). As such, Narvaez is merely maintaining and updating a "data structure consisting of a set of edges" that interconnects nodes in the network, that data structure being used to program the routing table. In other words, Narvaez's "dynamic adjustment" only applies to a data structure consisting of a set of edge nodes. Therefore, Applicants respectfully submit that Narvaez's updating of an edge node weight is not "*dynamically balancing load by weighting a number of entries to each individual output port, each entry in the forwarding table being dynamically rewritable to a different individual output port*," as recited in Claim 1.

Therefore, Applicants respectfully submit that, in light of the above remarks, the hypothetical system combining Wong, Gifford, and Narvaez would fail to teach all elements of Applicants' Claim 1, and, thus, Claim 1 is novel and non-obvious over the cited art. Applicants independent Claim 7 recites similar elements as Claim 1; thus, Applicants respectfully submit that Claim 7 is also novel and non-obvious over the cited art for at least the same reasons. Claims 10 and 15–22 depend from independent Claims 1 or 7, include the same elements as the claims from which they depend, and are novel and non-obvious for at least the same reasons as presented above. As such, Applicants respectfully submit that the rejection of Claims 1, 7, 10, and 15–22 are overcome and respectfully request withdrawal of the rejection and acceptance of the claims.

CONCLUSION

In view of the above remarks, it is believed that all claims, namely Claims 1, 7, 10, and 15–22, are in condition for allowance, and it is respectfully requested that the Application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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